

AMENDED IN ASSEMBLY APRIL 18, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2616

Introduced by Assembly Member Carter

February 24, 2012

An act to amend Sections 48260, 48260.5, and 48264.5 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as amended, Carter. School districts: truancy.

Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof, and requires a school district to notify a pupil's parent or legal guardian, as specified, when a pupil is initially classified as a truant. Existing law specifies that a pupil who is required to be reported as a truant ~~may be required to attend makeup classes, as specified.~~ *is subject to specified penalties for the first through fourth instances that a truancy report is issued to a pupil.*

This bill would ~~remove the requirement that a pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof, is a truant, and instead~~

~~authorizes a school to use its discretion to classify a pupil as a truant under those circumstances. The bill would require a school district to notify a pupil's parent or legal guardian, as specified, when a pupil is initially classified as a truant at the discretion of the school. The bill also would specify that a pupil who is classified as a truant at the discretion of the school may be required to attend makeup classes, as specified, and would make nonsubstantive changes to these provisions: identify specific reasons that constitute a valid excuse for which a pupil may be absent from school. The bill would, upon the pupil's initial classification as a truant, require the school district to notify the pupil's parent or legal guardian that, among other things, the parent or legal guardian has the right to address any absences or tardies that may have been incorrectly counted toward the classification of the pupil as a truant, thereby mandating a state-mandated local program. The bill also would revise certain penalties resulting from the issuance of specified truancy reports, and would specify that the first time a truancy report is issued, the pupil and, as appropriate, the pupil's parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil's attendance. The bill would specify that the 2nd time a truancy report is issued, the pupil may be personally given a written warning by a peace officer, as specified, and that the 4th time a truancy report is issued, a pupil who is adjudged a ward of the court may be required to pay a fine of not more than \$50, and that the fine, including all penalties and assessments, cannot be more than \$100. The bill also would make nonsubstantive changes to these provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

SECTION 1. Section 48260 of the Education Code is amended to read:

48260. (a) A pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse three full days in one school year or tardy or absent for more than a 30-minute period during the schoolday without a valid excuse on three occasions in one school year, or any combination thereof, ~~may~~ *shall* be classified as a truant ~~and, if the school, in its discretion, classifies the pupil as a truant, the truant~~ and shall be reported to the attendance supervisor or to the superintendent of the school district.

(b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

(c) *For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil's circumstances, are deemed to constitute a valid excuse.*

SEC. 2. Section 48260.5 of the Education Code is amended to read:

48260.5. ~~If a school, in its discretion, classifies a pupil~~ *Upon a pupil's initial classification* as a truant, the school district shall notify the pupil's parent or legal guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:

(a) That the pupil ~~is~~ *has been classified as a* truant.

(b) That the parent or legal guardian is obligated to compel the attendance of the pupil at school.

(c) That parents or legal guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) ~~of Chapter 2 of Part 27.~~

(d) That alternative educational programs are available in the school district.

1 (e) That the parent or legal guardian has the right to meet with
2 appropriate school personnel to discuss solutions to the pupil's
3 ~~truancy~~; *truancy and to address any absences or tardies that may*
4 *have been incorrectly counted toward the pupil's classification as*
5 *a truant.*

6 (f) That the pupil may be subject to prosecution under Section
7 48264.

8 (g) That the pupil may be subject to suspension, restriction, or
9 delay of the pupil's driving privilege pursuant to Section 13202.7
10 of the Vehicle Code.

11 (h) That it is recommended that the parent or legal guardian
12 accompany the pupil to school and attend classes with the pupil
13 for one day.

14 SEC. 3. Section 48264.5 of the Education Code is amended to
15 read:

16 48264.5. Any minor who ~~the school district, in its discretion,~~
17 ~~classifies is classified~~ as a truant pursuant to Section 48260 or
18 48261 may be required to attend makeup classes conducted on one
19 day of a weekend pursuant to subdivision (c) of Section 37223
20 and is subject to the following:

21 (a) The first time a truancy report ~~may be~~ *is* issued, the pupil
22 ~~may be personally given a written warning by any peace officer~~
23 ~~specified in Section 830.1 of the Penal Code. A record of the~~
24 ~~written warning may be kept at the school for a period of not less~~
25 ~~than two years, or until the pupil graduates, or transfers, from that~~
26 ~~school. If the pupil transfers, the record may be forwarded to the~~
27 ~~school receiving the pupil's school records. A record of the written~~
28 ~~warning may be maintained by the law enforcement agency in~~
29 ~~accordance with that law enforcement agency's policies and~~
30 ~~procedures; and, as appropriate, the parent or legal guardian,~~
31 *may be requested to attend a meeting with a school counselor or*
32 *other school designee to discuss the root causes of the attendance*
33 *issue and develop a joint plan to improve the pupil's attendance.*

34 (b) The second time a truancy report ~~may be~~ *is* issued within
35 the same school year, the pupil may be *given a written warning*
36 *by a peace officer as specified in Section 830.1 of the Penal Code.*
37 *A record of the written warning may be kept at the school for a*
38 *period of not less than two years, or until the pupil graduates or*
39 *transfers from that school. If the pupil transfers from that school,*
40 *the record may be forwarded to the school receiving the pupil's*

1 *school records. A record of the written warning may be maintained*
 2 *by the law enforcement agency in accordance with that law*
 3 *enforcement agency's policies and procedures. The pupil may also*
 4 *be assigned by the school to an afterschool or weekend study*
 5 *program located within the same county as the pupil's school. If*
 6 *the pupil fails to successfully complete the assigned study program,*
 7 *the pupil shall be subject to subdivision (c).*

8 (c) The third time a truancy report ~~may be~~ *is* issued within the
 9 same school year, the pupil shall be classified *as* a habitual truant,
 10 as defined in Section 48262, and may be referred to, and required
 11 to attend, an attendance review board or a truancy mediation
 12 program pursuant to Section 48263 or pursuant to Section 601.3
 13 of the Welfare and Institutions Code. If the school district does
 14 not have a truancy mediation program, the pupil may be required
 15 to attend a comparable program deemed acceptable by the school
 16 district's attendance supervisor. If the pupil does not successfully
 17 complete the truancy mediation program or other similar program,
 18 the pupil shall be subject to subdivision (d).

19 (d) The fourth time a truancy ~~may be~~ *is* issued within the same
 20 school year, the pupil may be within the jurisdiction of the juvenile
 21 court that may adjudge the pupil to be a ward of the court pursuant
 22 to Section 601 of the Welfare and Institutions Code. If the pupil
 23 is adjudged a ward of the court, the pupil shall be required to do
 24 one or more of the following:

25 (1) Performance at court-approved community services
 26 sponsored by either a public or private nonprofit agency for not
 27 less than 20 hours but not more than 40 hours over a period not to
 28 exceed 90 days, during a time other than the pupil's hours of school
 29 attendance or employment. The probation officer shall report to
 30 the court the failure of the pupil to comply with this paragraph.

31 (2) Payment of a fine by the pupil of not more than ~~one hundred~~
 32 *fifty dollars (\$100) (\$50)* for which a parent or *legal* guardian of
 33 the pupil may be jointly liable. *Such fine, including all penalties*
 34 *and assessments, shall not exceed one hundred dollars (\$100).*

35 (3) Attendance of a court-approved truancy prevention program.

36 (4) Suspension or revocation of driving privileges pursuant to
 37 Section 13202.7 of the Vehicle Code. This subdivision shall apply
 38 only to a pupil who has attended a school attendance review board
 39 program, a program operated by a probation department acting as

1 a school attendance review board, or a truancy mediation program
2 pursuant to subdivision (c).

3 *SEC. 4. If the Commission on State Mandates determines that*
4 *this act contains costs mandated by the state, reimbursement to*
5 *local agencies and school districts for those costs shall be made*
6 *pursuant to Part 7 (commencing with Section 17500) of Division*
7 *4 of Title 2 of the Government Code.*

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